

Notice of Allowability

Application No.

09/989,662

Examiner

TUAN A. PHAM

Applicant(s)

TAKANO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 10/26/2005.
2. ☒ The allowed claim(s) is/are 2-5, 7-10 and 12-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

REASONS FOR ALLOWANCE

1. Claims 2-5, 7-10, and 12-19 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The applicant's Remarks, filed on 10/26/2005, have been carefully reviewed with update search. Consequently, reasons for allowance of claims 2-5, 7-10, and 12-19 are set forth in according to the applicant's remarks stated on page 13.

Regarding claims 2 and 12, the prior art made of record fails to clearly teach or fairly suggest, the feature of a mobile station transmits data using at least one currently transmitting base station and also sets a link with base stations forming an active set of base station comprises each of the active set of base stations a transmitting base station when an estimated value of the transmission power value of the dedicated control signal transmitted by the active set of base stations other than the at least one currently transmitting base station is greater than or equal to a predetermined threshold value for the estimated value of transmission power value of the dedicated control signal transmitted by the at least one currently transmitting base station, in combination with other limitations, as specified in the independent claims 2 and 12, and further limitations of their respective dependent claims 4, 14, 16-17, and 19.

Regarding claims 3, 8, and 13, the prior art made of record fails to clearly teach or fairly suggest, the feature of a mobile station transmits data using at least one currently transmitting base station and also sets a link with base stations forming an

active set of base station comprises each of the active set of base stations a transmitting base station when a difference between an estimated value of the transmission power value of the at least one currently transmitting base station and a predetermined maximum transmission power value of base station is smaller than or equal to a predetermined threshold value, in combination with other limitations, as specified in the independent claims 3, 8, and 13.

Regarding claims 5, 10, and 15, the prior art made of record fails to clearly teach or fairly suggest, the feature of a mobile station transmits data using at least one currently transmitting base station and also sets a link with base stations forming an active set of base station comprises measuring the received signal quality of the dedicated data signal transmitted from the at least one currently transmitting base station in the mobile station, and making all of the active set base stations a transmitting base station when the received signal quality is less than a predetermined signal quality even if the at least one currently transmitting base station makes the transmission at the predetermined maximum transmission power value, in combination with other limitations, as specified in the independent claims 5, 10, and 15.

Regarding claim 7, the prior art made of record fails to clearly teach or fairly suggest, the feature of a mobile station transmits data using at least one currently transmitting base station and also sets a link with base stations forming an active set of base station comprises the active set of base stations transmits a dedicated control signal to the mobile station, the at least one currently transmitting base station transmits a dedicated data signal and the dedicated control signal, and the mobile station

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estimates a transmission power value of the dedicated control signal transmitted by the active set of base stations, and wherein each base station from the active set of base stations are enabled for transmission when an estimated value of the transmission power value of the dedicated control signal transmitted by the active set of base stations other than the at least one currently transmitting base station is greater than or equal to a predetermined threshold value for the estimated value of transmission power value of the dedicated control signal transmitted by the at least one currently transmitting base station, in combination with other limitations, as specified in the independent claim 7, and further limitations of their respective dependent claims 9 and 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham**, whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 8, 2005
Examiner

Tuan Pham


CURTIS KUNTZ
ASSISTANT PATENT EXAMINER
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